

LABEL, IN PART: "Blue Ribbon De Luxe."

NATURE OF CHARGE: Adulteration, Section 501 (c), the quality of the article fell below that which it purported and was represented to possess.

Misbranding, Section 502 (a), the label statements "* * * * tested by air * * * for prevention of disease * * *" were false and misleading as applied to an article containing holes; and, Section 502 (b) (2), the article failed to bear a label containing an accurate statement of the quantity of the contents since the three-units tins and the package containing 4 tins of the article bore no statement of the quantity of the contents, and the statement on the gross-carton "One-Dozen" was inaccurate since the carton contained one gross.

DISPOSITION: April 6, 1949. Default decree of condemnation and destruction.

DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS*

DRUGS FOR HUMAN USE

2660. Misbranding of estrogenic hormones in oil. U. S. v. Barry Laboratories, Inc., and Aaron W. Barry. Pleas of nolo contendere. Fine of \$1,000 against each defendant. (F. D. C. No. 25573. Sample No. 19243-K.)

INFORMATION FILED: September 30, 1948, Eastern District of Michigan, against Barry Laboratories, Inc., Detroit, Mich., and Aaron W. Barry, president of the corporation.

ALLEGED SHIPMENT: On or about October 27, 1947, from the State of Michigan into the State of Ohio.

LABEL, IN PART: "Estrongenetic Hormones * * * Manufactured For The Schuemann-Jones Co. Cleveland, Ohio."

NATURE OF CHARGE: Misbranding, Section 502 (a), the label statements "Estrongenetic Hormones A sterile, standardized solution of estrogenic hormones derived from gravid equine urine consisting principally of Estradiols with small quantities of Estrone, Equilin and Equilenin and traces of Alpha-Estradiol in neutral vegetable oil" and the statement "This preparation is a standardized oil solution of Estrogenic Hormones obtained from pregnancy urine," appearing in a circular enclosed with the article, were false and misleading. The statements represented and suggested that the article contained estrogens as they are found in, and abstracted from, gravid equine urine and that the article contained only traces of alpha-estradiol. The article did not consist of estrogens as they are present in, and abstracted from, gravid equine urine, and it did not contain only traces of alpha-estradiol since the predominant estrogen present in the article was alpha-estradiol.

DISPOSITION: February 28, 1949. Pleas of nolo contendere having been entered, the court imposed a fine of \$1,000 against each defendant.

2661. Misbranding of Systemic Pilana Combination Tablets and Pilana Rectal Salve. U. S. v. Dr. Edward T. Molzahn (McCook Rectal Clinic). Plea of nolo contendere. Fine, \$100 and costs. (F. D. C. No. 24281. Sample No. 21407-K.)

*See also Nos. 2651, 2654, 2656, 2657, 2659.